

JOSEPH T. McNALLY
Attorney for the United States,
Acting Under Authority Conferred
by 28 U.S.C. § 515
MACK E. JENKINS
Assistant United States Attorney
Chief, Criminal Division
KAREN I. MEYER (Cal. Bar No. 220554)
SHAWN T. ANDREWS (Cal. Bar No. 319565)
Assistant United States Attorneys
Violent and Organized Crime Section
1300 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-8559/6104
Facsimile: (213) 894-3713
E-mail: kim.meyer@usdoj.gov
shawn.andrews@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIEN TRAN,

Defendant.

No. CR 15-662-ODW-16

PLEA AGREEMENT FOR DEFENDANT
LIEN TRAN

1. This constitutes the plea agreement between LIEN TRAN ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

RULE 11(c) (1) (C) AGREEMENT

2. Defendant understands that this agreement is entered into pursuant to Federal Rule of Criminal Procedure 11(c) (1) (C). Accordingly, defendant understands that, if the Court determines that it will not accept this agreement, absent a breach of this agreement by defendant prior to that determination and whether or not defendant elects to withdraw any guilty plea entered pursuant to this agreement, this agreement will, with the exception of paragraph 18 below, be rendered null and void and both defendant and the USAO will be relieved of their obligations under this agreement. Defendant agrees, however, that if defendant breaches this agreement prior to the Court's determination whether or not to accept this agreement, the breach provision of this agreement, paragraph 20, will control, with the result that defendant will not be able to withdraw any guilty plea entered pursuant to this agreement, the USAO will be relieved of all of its obligations under this agreement, and the Court's failure to follow any recommendation or request regarding sentence set forth in this agreement will not provide a basis for defendant to withdraw defendant's guilty plea.

DEFENDANT'S OBLIGATIONS

3. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to count 17 of the indictment in United States v. Tu Chau Lu, et al., CR No. 15-662-ODW, which charges defendant with Laundering of Monetary Instruments in violation of 18 U.S.C. § 1956(a) (3) (B), (C).

b. Not contest facts agreed to in this agreement.

1 c. Abide by all agreements regarding sentencing contained
2 in this agreement and affirmatively recommend to the Court that it
3 impose sentence in accordance with paragraph 12 of this agreement.

4 d. Appear for all court appearances, surrender as ordered
5 for service of sentence, obey all conditions of any bond, and obey
6 any other ongoing court order in this matter.

7 e. Not commit any crime; however, offenses that would be
8 excluded for sentencing purposes under United States Sentencing
9 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
10 within the scope of this agreement.

11 f. Be truthful at all times with the United States
12 Probation and Pretrial Services Office and the Court.

13 g. Pay the applicable special assessment at or before the
14 time of sentencing unless defendant has demonstrated a lack of
15 ability to pay such assessments.

16 THE USAO'S OBLIGATIONS

17 4. The USAO agrees to:

18 a. Not contest facts agreed to in this agreement.

19 b. Abide by all agreements regarding sentencing contained
20 in this agreement and affirmatively recommend to the Court that it
21 impose sentence in accordance with paragraph 12 of this agreement.

22 NATURE OF THE OFFENSE

23 Defendant understands that for defendant to be guilty of the
24 crime charged in count 17 of the Indictment, that is, Laundering of
25 Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(3)(B), (C),
26 the following must be true: (1) defendant conducted a financial
27 transaction involving property; (2) with the intent to conceal or
28 disguise the nature, location, source, ownership, or control of

1 property believed to be the proceeds of specified unlawful activity
2 (i.e., drug trafficking), or to avoid a transaction reporting
3 requirement under State or Federal law; and (3) the financial
4 transaction involved property represented by a person at the
5 direction of, or with the approval of, a Federal official authorized
6 to investigate such violations, to be the proceeds of specified
7 unlawful activity, in this case, drug trafficking.

8 PENALTIES AND RESTITUTION

9 5. Defendant understands that the statutory maximum sentence
10 that the Court can impose for a violation of 18 U.S.C.
11 § 1956(a)(3)(B), (C) is: 20 years' imprisonment; a three-year period
12 of supervised release; a fine of \$250,000 or twice the gross gain or
13 gross loss resulting from the offense, whichever is greatest; and a
14 mandatory special assessment of \$100.

15 6. Defendant understands that supervised release is a period
16 of time following imprisonment during which defendant will be subject
17 to various restrictions and requirements. Defendant understands that
18 if defendant violates one or more of the conditions of any supervised
19 release imposed, defendant may be returned to prison for all or part
20 of the term of supervised release authorized by statute for the
21 offense that resulted in the term of supervised release, which could
22 result in defendant serving a total term of imprisonment greater than
23 the statutory maximum stated above.

24 7. Defendant understands that, by pleading guilty, defendant
25 may be giving up valuable government benefits and valuable civic
26 rights, such as the right to vote, the right to possess a firearm,
27 the right to hold office, and the right to serve on a jury.
28 Defendant understands that he is pleading guilty to a felony and that

1 it is a federal crime for a convicted felon to possess a firearm or
2 ammunition. Defendant understands that the conviction in this case
3 may also subject defendant to various other collateral consequences,
4 including but not limited to revocation of probation, parole, or
5 supervised release in another case and suspension or revocation of a
6 professional license. Defendant understands that unanticipated
7 collateral consequences will not serve as grounds to withdraw
8 defendant's guilty plea.

9 8. Defendant and her counsel have discussed the fact that, and
10 defendant understands that, if defendant is not a United States
11 citizen, the conviction in this case makes it practically inevitable
12 and a virtual certainty that defendant will be removed or deported
13 from the United States. Defendant may also be denied United States
14 citizenship and admission to the United States in the future.
15 Defendant understands that while there may be arguments that
16 defendant can raise in immigration proceedings to avoid or delay
17 removal, removal is presumptively mandatory and a virtual certainty
18 in this case. Defendant further understands that removal and
19 immigration consequences are the subject of a separate proceeding and
20 that no one, including his attorney or the Court, can predict to an
21 absolute certainty the effect of his conviction on his immigration
22 status. Defendant nevertheless affirms that he wants to plead guilty
23 regardless of any immigration consequences that his plea may entail,
24 even if the consequence is automatic removal from the United States.

25 FACTUAL BASIS

26 9. Defendant admits that defendant is, in fact, guilty of the
27 offense to which defendant is agreeing to plead guilty. Defendant
28 and the USAO agree to the statement of facts provided below and agree

1 that this statement of facts is sufficient to support a plea of
2 guilty to the charge described in this agreement and to establish the
3 Sentencing Guidelines factors set forth in paragraph 11 below but is
4 not meant to be a complete recitation of all facts relevant to the
5 underlying criminal conduct or all facts known to either party that
6 relate to that conduct.

7 On or about May 30, 2013, at defendant's home in Santa Ana,
8 California, within the Central District of California, defendant met
9 with an individual who defendant believed to be an associate of co-
10 defendant Ben Ho ("Ho"), but who was actually a Confidential Source
11 ("CS") working for the Federal Bureau of Investigation. Inside her
12 home, defendant accepted \$350,000 from the CS on Ho's behalf in
13 exchange for a wire transfer that Ho believed he was sending to the
14 CS. Defendant did so with the intent to avoid a transaction
15 reporting requirement under State or Federal law. During that
16 interaction, the CS told defendant that the \$350,000 was "drug money
17 that [he had] to filter."

18 By accepting \$350,000 on Ho's behalf from the CS, defendant was
19 aware that there was a high probability that Ho was engaged in
20 laundering of proceeds of drug trafficking with the CS, and defendant
21 deliberately avoided learning the truth about that fact.

22 SENTENCING FACTORS AND AGREED-UPON SENTENCE

23 10. Defendant understands that in determining defendant's
24 sentence the Court is required to calculate the applicable Sentencing
25 Guidelines range and to consider that range, possible departures
26 under the Sentencing Guidelines, and the other sentencing factors set
27 forth in 18 U.S.C. § 3553(a). Defendant understands that the
28 Sentencing Guidelines are advisory only.

11. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level:	8	U.S.S.G. § 2S1.1(a) (2)
Value of Laundered Funds:	12	U.S.S.G. § 2B1.1(b) (1) (G)
Specific Offense Characteristics:		
Convicted of 18 U.S.C. § 1956	+2	U.S.S.G. § 2S1.1(b) (1)
Acceptance of Responsibility	-3	U.S.S.G. § 3E1.1(b)

12. Defendant and the USAO agree that, taking into account the factors listed in 18 U.S.C. § 3553(a) (1)-(7) and the relevant sentencing guideline factors set forth above, an appropriate disposition of this case is that the Court impose a sentence of probation of a length to be fixed by the Court, with conditions to be fixed by the Court, and a \$100 special assessment.

13. Defendant and the USAO agree that there is no agreement as to defendant's criminal history or criminal history category.

WAIVER OF CONSTITUTIONAL RIGHTS

14. Defendant understands that by pleading guilty, defendant gives up the following rights:

- a. The right to persist in a plea of not guilty.
- b. The right to a speedy and public trial by jury.
- c. The right to be represented by counsel - and if necessary have the Court appoint counsel -- at trial. Defendant understands, however, that, defendant retains the right to be represented by counsel - and if necessary have the Court appoint counsel - at every other stage of the proceeding.
- d. The right to be presumed innocent and to have the burden of proof placed on the government to prove defendant guilty beyond a reasonable doubt.

1 e. The right to confront and cross-examine witnesses
2 against defendant.

3 f. The right to testify and to present evidence in
4 opposition to the charges, including the right to compel the
5 attendance of witnesses to testify.

6 g. The right not to be compelled to testify, and, if
7 defendant chose not to testify or present evidence, to have that
8 choice not be used against defendant.

9 h. Any and all rights to pursue any affirmative defenses,
10 Fourth Amendment or Fifth Amendment claims, and other pretrial
11 motions that have been filed or could be filed.

12 WAIVER OF APPEAL OF CONVICTION

13 15. Defendant understands that, with the exception of an appeal
14 based on a claim that defendant's guilty plea was involuntary, by
15 pleading guilty defendant is waiving and giving up any right to
16 appeal defendant's conviction on the offense to which defendant is
17 pleading guilty. Defendant understands that this waiver includes,
18 but is not limited to, arguments that the statute to which defendant
19 is pleading guilty is unconstitutional, and any and all claims that
20 the statement of facts provided herein is insufficient to support
21 defendant's plea of guilty.

22 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

23 16. Defendant agrees that, provided the Court imposes the
24 sentence specified in paragraph 12 above, defendant gives up the
25 right to appeal any portion of that sentence.

26 17. The USAO agrees that, provided the Court imposes the
27 sentence specified in paragraph 12 above, the USAO gives up its right
28 to appeal any portion of that sentence.

1 RESULT OF WITHDRAWAL OF GUILTY PLEA

2 18. Defendant agrees that if, after entering a guilty plea
3 pursuant to this agreement, defendant seeks to withdraw and succeeds
4 in withdrawing defendant's guilty plea on any basis other than a
5 claim and finding that entry into this plea agreement was
6 involuntary, then the USAO will be relieved of all of its obligations
7 under this agreement.

8 EFFECTIVE DATE OF AGREEMENT

9 19. This agreement is effective upon signature and execution of
10 all required certifications by defendant, defendant's counsel, and an
11 Assistant United States Attorney.

12 BREACH OF AGREEMENT

13 20. Defendant agrees that if defendant, at any time after the
14 signature of this agreement and execution of all required
15 certifications by defendant, defendant's counsel, and an Assistant
16 United States Attorney, knowingly violates or fails to perform any of
17 defendant's obligations under this agreement ("a breach"), the USAO
18 may declare this agreement breached. All of defendant's obligations
19 are material, a single breach of this agreement is sufficient for the
20 USAO to declare a breach, and defendant shall not be deemed to have
21 cured a breach without the express agreement of the USAO in writing.
22 If the USAO declares this agreement breached, and the Court finds
23 such a breach to have occurred, then: (a) if defendant has previously
24 entered a guilty plea pursuant to this agreement, defendant will not
25 be able to withdraw the guilty plea, (b) the USAO will be relieved of
26 all its obligations under this agreement, and (c) the Court's failure
27 to follow any recommendation or request regarding sentence set forth
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1 in this agreement will not provide a basis for defendant to withdraw
2 defendant's guilty plea.

3 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

4 OFFICE NOT PARTIES

5 21. Defendant understands that the Court and the United States
6 Probation and Pretrial Services Office are not parties to this
7 agreement and need not accept any of the USAO's sentencing
8 recommendations or the parties' agreements to facts, sentencing
9 factors, or sentencing. Defendant understands that the Court will
10 determine the facts, sentencing factors, and other considerations
11 relevant to sentencing and will decide for itself whether to accept
12 and agree to be bound by this agreement.

13 22. Defendant understands that both defendant and the USAO are
14 free to: (a) supplement the facts by supplying relevant information
15 to the United States Probation and Pretrial Services Office and the
16 Court, (b) correct any and all factual misstatements relating to the
17 Court's Sentencing Guidelines calculations and determination of
18 sentence, and (c) argue on appeal and collateral review that the
19 Court's Sentencing Guidelines calculations and the sentence it
20 chooses to impose are not error, although each party agrees to
21 maintain its view that the calculations and sentence referenced in
22 paragraphs 11 and 12 are consistent with the facts of this case.
23 While this paragraph permits both the USAO and defendant to submit
24 full and complete factual information to the United States Probation
25 and Pretrial Services Office and the Court, even if that factual
26 information may be viewed as inconsistent with the facts agreed to in
27 this agreement, this paragraph does not affect defendant's and the
28

1 USAO's obligations not to contest the facts agreed to in this
2 agreement.

3 NO ADDITIONAL AGREEMENTS

4 23. Defendant understands that, except as set forth herein,
5 there are no promises, understandings, or agreements between the USAO
6 and defendant or defendant's attorney, and that no additional
7 promise, understanding, or agreement may be entered into unless in a
8 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

24. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

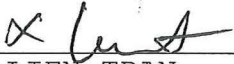
AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA


JOSEPH T. McNALLY
Attorney for the United States,
Acting Under Authority Conferred
by 28 U.S.C. § 515


KAREN I. MEYER
SHAWN T. ANDREWS
Assistant United States Attorneys

1/20/23
Date


LIEN TRAN
Defendant

1/20/23
Date


EDWARD ROBINSON, ESQ.
Attorney for Defendant Lien Tran

1/20/23
Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.




LIEN TRAN
Defendant

1/23/20
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am LIEN TRAN's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of her rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.



EDWARD ROBINSON, ESQ.
Attorney for Defendant Lien Tran

Date